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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	:	
GUY SERRE, ET AL.	:	EXAMINER: HADDAD, M. M.
SERIAL NO: 10/019,439	:	
FILED: MAY 8, 2002	:	GROUP ART UNIT: 1644
FOR: FIBRIN CITRULLINE DERIVATIVES AND THEIR USE FOR DIAGNOSING OR TREATING RHEUMATOID ARTHRITIS	:	

RESPONSE TO REQUIREMENT FOR RESTRICTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Official Action of April 9, 2003, Applicants elect, with traverse, Group I, Claims 1-3, 5, 7 and 10, drawn to a citrullinated polypeptide derived from all or part of the sequence of the α-chain of a vertebrate fibrin, by substitution of at least one arginine residue with a citrulline residue, an antigenic composition, a kit, and a kit thereof. In addition, Applicants elect, with traverse, the species of citrullinated polypeptide derived from the whole α chain of fibrin. Claims 1-10 read on the elected species, and Claims 1-3, 5, and 10 are generic.

REMARKS

The Office has required restriction in the present application as follows:

Group I: Claims 1-3, 5, 7 and 10, drawn to a citrullinated polypeptide derived from all or part of the sequence of the α-chain of a vertebrate fibrin, by substitution of at least one arginine residue with a citrulline residue, an antigenic composition, a kit and a kit thereof;

Group II: Claims 1-3, 5, 7 and 10, drawn to a citrullinated polypeptide derived from all or part of the sequence of the β-chain of a vertebrate fibrin, by substitution of at least one arginine residue with a citrulline residue, an antigenic composition, a kit and a kit thereof;

Group III: Claim 4, drawn to a method of diagnosing a rheumatoid arthritis in vitro, using a citrullinated polypeptide derived from α-chain;

Group IV: Claim 4, drawn to a method of diagnosing rheumatoid arthritis in vitro, using a citrullinated polypeptide derived from β-chain;

Group V: Claim 6, drawn to a method of detecting rheumatoid arthritis in a sample, using a citrullinated polypeptide derived from α-chain;

Group VI: Claim 6, drawn to a method of detecting rheumatoid arthritis in a sample, using a citrullinated polypeptide derived from β-chain;

Group VII: Claims 8-9, drawn to a method of producing a medicinal product of a citrullinated polypeptide derived from α-chain; and

Group VIII: Claims 8-9, drawn to a method of producing a medicinal product of citrullinated polypeptide derived from β-chain.

Restriction is only proper if the claims of the restricted groups are either independent or patentably distinct. The burden of proof is on the Office to provide reasons and/or examples to support any conclusion with regard to patentable distinctness. M.P.E.P. § 803.

Applicants respectfully traverse the requirement for restriction on the grounds the Office has not provide adequate reasons and/or examples to support a conclusion of patentable distinctness between the identified groups.

This application is a 371 of International Application PCT/FR00/01857, filed June 30, 2000, and is properly subject to restriction only under the PCT rules. See the PCT Administrative Instructions in M.P.E.P., annex B, part 1, which provides direction on restriction practice under the PCT rules. As noted in M.P.E.P. § 1895.01(D), restriction practice under 35 U.S.C. § 121, as it applies to national applications submitted under 35 U.S.C. § 111(a) is not applicable to a national stage application such as the present

application. Since the Office has not made out a proper case of restriction under the PCT rules, the requirement for restriction should be withdrawn.

Furthermore, even if the correct standard for restriction had been applied in the present case, restriction still would not be proper. Applicants note that the polypeptides of Groups I and II are both citrullinated peptides derived from fibrin, which, to the best of Applicants knowledge and belief are unknown in the prior art. The peptides of Groups I and II may be recognized by rheumatoid arthritis specific antibodies, to which the inventions of Groups III-VIII are directed. Applicants note that the claims of Groups III-VIII depend from claims of Groups I and II. Accordingly, Applicants respectfully submit that the inventions of Groups I-VIII are linked so as to form a single general inventive concept, as defined in 37 C.F.R. § 1.475, and in Rule 13 of the PCT.

Accordingly, and for the reasons presented above, Applicants submit that the Office has failed to meet the burden necessary in order to sustain the requirement for restriction. Applicants therefore respectfully request the requirement for restriction be withdrawn.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and early notice thereof is earnestly solicited.

Respectfully Submitted,

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